

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MMB Docket No. 1671-0099

J & J Reference: **DEP0486USNP**

Confirmation No. **5677**

Application of: **Lester et al.**

Group Art Unit: **3738**

Serial No. **09/678,032**

Examiner: **C. Prone**

Filed: **October 3, 2000**

For: **Acetabular Cup and Reamer Assembly and Associated Method for
Securing the Cup to an Acetabulum**

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SUPPLEMENT TO THIRD APPEAL BRIEF

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Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed
August 14, 2008, please enter the following sections of the brief.

(3) STATUS OF CLAIMS

Claims 1-37 have been canceled.

Claims 38-44 are pending in the application.

Claims 38-44 stand rejected.

Claims 38-44 are being appealed.

Each of claims 38-44 is shown in the Claim Appendix attached to this Appeal Brief.

(8) CLAIM APPENDIX

Claims 1-37 (canceled).

38. A method of securing an acetabular cup to an acetabulum, comprising the steps of:

reaming a hemispherically-shaped cavity into said acetabulum; and

press fitting said acetabular cup into said cavity, wherein (i) said acetabular cup including a cup body defining an apex portion, an upper rim and an outer surface extending therebetween, (ii) an imaginary hemisphere defines a great circle lying in a first plane P1, (iii) said cup body is further configured such that when said imaginary hemisphere is superimposed over said cup body, said upper rim lies in a second plane P2 that is spaced apart from said first plane P1 by a distance D, (iii) $0.5 \text{ millimeters} \leq D \leq 2.0 \text{ millimeters}$, and (iv) said cup body

is further configured such that when said imaginary hemisphere is superimposed over said cup body, said outer surface of said cup body lies coincident with said imaginary hemisphere from said apex portion to said second plane P2.

39. The method of claim 38, wherein D is approximately one (1) millimeter.

40. The method of claim 38, wherein:

said reaming step includes the step of reaming said hemispherically-shaped cavity into said acetabulum with a reamer having a hemispherically-shaped cutting head that possesses a first radius,

said reaming step further includes the step of reaming said acetabulum such that said cavity possesses said first radius,

said imaginary hemisphere possesses a second radius, and

said second radius is greater than said first radius.

41. The method of claim 40, wherein said second radius is between one-half ($\frac{1}{2}$) and one and one-half ($1\frac{1}{2}$) millimeters greater than said first radius.

42. The method of claim 40, wherein said second radius is approximately two (2) millimeters greater than said first radius.

43. The method of claim 40, further comprising the step of positioning a bearing insert into said acetabular cup, wherein said bearing insert is configured to mate with a head portion of a femur.

44. The method of claim 38, wherein said press fitting step includes the step of advancing said acetabular cup into said cavity reamed in said acetabulum until said upper rim is substantially flush with a surface of said acetabulum.

Respectfully submitted,

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